

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Inventor:	Stephens, <i>et al.</i>	Docket No.:	10079.0100
Serial No.:	09/504,939	Examiner:	Daniel S. Felten
Filing Date:	February 16, 2000	Art Unit:	3696
TITLE:	SYSTEM AND METHOD FOR CREATING, DISTRIBUTING AND MANAGING ARTIFICIAL AGENTS		

RESPONSE TO NOTIFICATION ON NON-COMPLIANT BRIEF

Mail Stop: Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Commissioner:

This submission is made in response to the Notification of Non-Compliant Amendment mailed May 22, 2009.

Remarks begin on page 2 of this paper.

REMARKS

An Appeal Brief under 37 C.F.R. § 41.37 appealing the final decision of the primary examiner dated February 25, 2008 was originally submitted on February 25, 2009. A notice of Non-Compliant Appeal Brief was subsequently mailed on May 22, 2009 indicating that the brief is not in compliance with 37 C.F.R. § 41.37(c)(1)(v). This paper and attached replacement sheets are submitted in response to the Notice of Non-Compliant Amendment.

Basis of Non-Compliance

The notice asserts that:

Section V of the brief does not comply with 37 C.F.R. § 41.37(c)(1)(v) because the appellant's brief did not contain a concise explanation of the subject matter defined in each of the independent claims. Specifically, the office action states that "[n]o drawing references characters have been provided in the concise explanation of the subject matter. Also Explanation (sic) is not in narrative form."

The applicant questions the appropriateness of the noncompliance in light of 37 C.F.R. § 41.37(c)(1)(v) and MPEP § 1205.02, which do not require that the concise explanation be "in narrative form." Additionally, each figure listed in the prior submitted explanation is either a block diagram with the claimed element clearly displayed or does not have reference character which can be referenced. However, in the interest of expediency, the appellant submits the attached replacement sheets for section V of the appeal brief in accordance with MPEP § 1205.03(B) which specifically states that "an entire new brief need not, and should not, be filed" when the defect is solely based on a failure to provide a summary of the claimed subject matter.

CONCLUSION

The applicant respectfully submits that the Appeal Brief is in compliance with the provisions of 37 C.F.R. § 41.37.

Respectfully submitted,

Date: 02 JUN 09



Daniel J. Noblitt

Reg. No. 35,969

The Noblitt Group, PLLC
4800 North Scottsdale Road
Suite 6000
Scottsdale, Arizona 85251
Telephone: 480.994.9888
Facsimile: 480.994.9025